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POSSIBLE AMENDMENTS TO THE STATUTE OF THE INTERNATIONAL COURT OF JUSTICE TO EXTEND **ITS COMPETENCE WITH RESPECT TO CONTENTIOUS MATTERS TO DISPUTES BETWEEN STATES AND INTERNATIONAL ORGANIZATIONS**

Working paper submitted by Costa Rica

Alternative drafting to the working paper submitted by Guatemala (A/AC.182/L.95/Rev.1) submitted by Costa Rica

Statute of the International Court of Justice

Article 34

1. **States and public international organizations, so authorized by their constituent instruments**, may be parties in cases before the Court.

2. The Court, subject to and in conformity with its Rules, may request of public international organizations information relevant to cases before it, and shall receive such information presented by such organizations on their own initiative.

3. Whenever the construction of the constituent instrument of a public international organization or of an international convention adopted thereunder is in question in a case before the Court, the Registrar shall so notify the public international organization concerned and shall communicate to it copies of all the written proceedings.

Article 35

1. The Court shall be open to the States parties to the present Statute **and to the public international organizations so authorized by their constituent instruments.**

2. The conditions under which the Court shall be open to other States shall, subject to the special provisions contained in treaties in force, be laid down by the Security Council, but in no case shall such conditions place the parties in a position of inequality before the Court.

3. When a State which is not a Member of the United Nations, **or a public international organization,** is a party to a case, the Court shall fix the amount which that party is to contribute towards the expenses of the Court. This provision shall not apply if such State is bearing a share of the expenses of the Court.

Article 36

1. The jurisdiction of the Court comprises all cases which the parties **or which public international organizations, so authorized by their constituent instrument,** refer to it and all matters specially provided for in the Charter of the United Nations or in treaties and conventions in force.

2. The States parties to the present Statute **and public international organizations, so authorized to do so by their constituent instrument,** may at any time declare that they recognize as compulsory ipso facto and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the Court in all legal disputes concerning:

(a) The interpretation of a treaty;

(b) Any question of international law;

(c) The existence of any fact which, if established, would constitute a breach of an international obligation;

(d) The nature of extent of the reparation to be made for the breach of an international obligation.

3. The declarations referred to above may be made unconditionally or on condition of reciprocity on the part of several or certain States **or public international organizations,** or for a certain time.

4. Such declarations shall be deposited with the Secretary-General of the United Nations, who shall transmit copies thereof to the parties to the Statute, **to the public international organizations that had previously deposited such declaration** and to the Registrar of the Court.

5. Declarations made under Article 36 of the Statute of the Permanent Court of International Justice and which are still in force shall be deemed, as between the parties to the present Statute, to be acceptances of the compulsory jurisdiction of the International Court of Justice for the period which they still have to run and in accordance with their terms.

6. In the event of a dispute as to whether the Court has jurisdiction, the matter shall be settled by the decision of the Court.

Article 40

3. He shall also notify the Members of the United Nations through the Secretary-General, and also any other States **and public international organizations** entitled to appear before the Court.

Charter of the United Nations

Article 96 bis

The United Nations and its specialized agencies may at any time be authorized by the General Assembly to be parties in cases before the International Court of Justice and to accept the jurisdiction of the Court in any of the manners established in article 36 of the Statute of the International Court of Justice.